

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JAMES LOWREY, individually and in his capacity
as general partner of Turtle Cay Partners, in his
capacity as personal representative of the Estate of
Marianne Lowey, and in his capacity as successor
partner of Coldbrook Associates Partnership, *et al.*,

Defendants.

Adv. Pro. No. 10-04387 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION
FOR SUMMARY JUDGMENT**

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the "Trustee"), by and through his undersigned counsel, having moved for summary judgment (the "Motion") in the above-captioned adversary proceeding pursuant to Rule 56 of the Federal Rules of Civil Procedure, as incorporated by Rule 7056 of the Federal Rules of Bankruptcy Procedure, and Southern District of New York Local Bankruptcy Rule 7056-1, and

upon consideration of the Motion and supporting memoranda, declaration, exhibits, responses, and upon consideration of the Defendants' motion for summary judgment and supporting papers.

It is hereby **ORDERED** that:

1. The Trustee's Motion is **GRANTED**;
2. The Defendants' motion for summary judgment is **DENIED**;
3. The Trustee shall have judgment in the amount of \$9,520,673 against the Defendants.
4. The Trustee is awarded prejudgment interest, the calculation of which will be determined through a separately scheduled hearing.

Dated: _____, 2017
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE